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Attorneys for Centex Homes, a Nevada general partnership; Centex Real Estate Corporation, a Nevada corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ST. PAUL FIRE & MARINE INSURANCE, a
Minnesota corporation; ST. PAUL
MERCURY INSURANCE COMPANY, a
Minnesota corporation,

Plaintiffs,

v.

CENTEX HOMES, a Nevada general
partnership; CENTEX REAL ESTATE
CORPORATION, a Nevada corporation; and
DOES 1 through 10 inclusive,

Defendants.

Case No. 3:13-cv-05015-RS

**STIPULATION AND ~~PROPOSED~~
ORDER TO DISMISS**

The Hon. Richard Seeborg

WHEREAS, St. Paul Fire & Marine Insurance and St. Paul Mercury Insurance Company (collectively, “Plaintiffs”) and Centex Homes and Centex Real Estate Corporation (collectively, “Defendants”) stipulate to a dismissal of this action without prejudice, in favor of the pending State Court actions entitled, *Darrell Stock, et al. v. Centex Homes, et al.*, Contra Costa County Superior Court Case No. C-13-00428 and *Bal, et al. v. Centex Homes, et al.*, Contra Costa County Superior Court, Case No. MSC11-02865, which were recently consolidated together and which

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1 already raise similar claims (together, the “*Stock/Bal* action”).

2
3 **WHEREAS**, as a condition to this stipulation to dismiss, Plaintiffs and Defendants agree
4 that they will stipulate to the amendment of their respective pleadings in the *Stock/Bal* action to
5 include the claims raised in Plaintiffs’ Complaint in this lawsuit, as well as any counterclaims or
6 cross-claims of Defendants.

7
8 **WHEREAS**, the parties agree to a mutual waiver of fees and costs.

9
10 DATED: December 20, 2013

PAYNE & FEARS LLP

11
12 By: /s/ Jeffrey M. Hayes
13 JEFFREY M. HAYES

14 Attorneys for CENTEX HOMES, a Nevada
15 general partnership; CENTEX REAL ESTATE
16 CORPORATION, a Nevada corporation

17 DATED: December 20, 2013

THE AGUILERA LAW GROUP APLC

18
19 /s/ Kari M. Myron
20 By: (with permission granted on December 20, 2013)
KARI M. MYRON

21 Attorneys for ST. PAUL FIRE & MARINE
22 INSURANCE, a Minnesota corporation; ST.
23 PAUL MERCURY INSURANCE COMPANY, a
24 Minnesota corporation

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/20/13



Hon. Richard Seeborg
Judge, United States District Court

Stipulation to Dismiss (12.20.13).docx

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